

**Item 14.02.
No. 2025
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**Ct
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

**CO 2041 of 2023
With
CAN 1 of 2024**

**Sri Ramkrishna Chanda
Vs
Sri Krishna Chanda & Ors.**

Mr. Subhojit Saha,
Ms. Shirshania Roy. ... for the petitioner.

Mr. Anriban Bose.
... for the opposite parties

1. This revisional application has been filed assailing the order dated 1st April, 2023 passed in connection with Original Suit No. 08 of 2002, wherein, Learned Additional District Judge, 8th Court, Alipore refused an application under Order 26 Rule 1 read with Section 151 of the Code of Civil Procedure, seeking appointment of Commissioner to record evidence of Sri Ramkrishna Chanda/defendant No.2. In support of application, several prescriptions as well as discharge certificate were filed and after going through those documents, Learned Judge refused the prayer of the application holding, *inter alia*, that Doctor has not advised him for complete bed rest and he can pursue his daily life with care and

caution.

2. Learned counsel on behalf of the petitioner has submitted that the petitioner/defendant is seriously ill and he can walk within premises.
3. However, considering all facts and circumstances, the prayer for examination of witness namely Sir Ram Krishan Chanda stands allowed.
4. Learned Trial Judge is requested to appoint one Commissioner for recording evidence of the defendant and entire process shall have to be completed within six weeks from the date of communication of this order.
5. Learned Trial Judge is also requested to appoint the Commissioner within three days from the date of communication of this order subject to payment of remuneration of the Commissioner by the defendant.
6. Learned Judge is further requested to dispose of the suit, which is pending since long, as expeditiously as possible without granting any unnecessary adjournment to either of the parties.
7. With the aforesaid observation, the revisional application stands disposed of.
8. Connected applications, if any, stand disposed of accordingly.
9. Parties are at liberty to communicate this order to the Learned Trial Judge.

10. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)